

Preliminary Subdivision – #13 - 05  
Windsor Heights – 56 Windsor Avenue  
July 16, 2013

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**Planning Board**

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**TOWN OF ACTON**

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**DECISION**

13-#

**“Windsor Heights”**

Preliminary Subdivision

07/16/13

**APPROVED**

Decision of the Acton Planning Board (hereinafter the Board) on the application of Westchester Co. (hereinafter the Applicant) for property at 56 Windsor Ave. Acton, Massachusetts, 01720 owned by Michael Conwill. The property is shown on the Acton Town Atlas map F2-B as parcel 45 (hereinafter the Site).

This Decision is in response to an Application for Approval of a Preliminary Subdivision Plan entitled “Windsor Heights”, filed with the Acton Planning Department on June 3, 2013, pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and the Acton Subdivision Rules and Regulations (hereinafter the Rules).

The Applicant presented the subdivision proposal to the Board at an advertised public meeting of the Board on July 16, 2013. Board members Mr. Jeff Clymer (Chair), Mr. Roland Bourdon, Mr. Rob Bukowski (Vice Chair), Mr. Derrick Chin, Mr. Michael Dube (Clerk), Ms. Kimberly Montella, and Mr. Ray Yacouby attended the meeting. The minutes of the meeting and submissions on which this Decision is based upon may be referred to in the Planning Department or the Town Clerk’s office at the Acton Town Hall.

## **1 EXHIBITS**

Submitted for the Board's deliberation were the following exhibits:

- 1.1 A plan entitled "Windsor Heights", dated June 1, 2013 and revised on July 1, 2013, drawn by Markey & Rubin, consisting of four sheets.
- 1.2 Supplemental items and documentation required by the Rules consisting of:
  - An Application for Approval of a Preliminary Plan, form PP, dated 06/03/13;
  - Filing fee;
  - A completed Development Impact Report, form DIR;
  - Certified Abutters' list.
- 1.3 Additional information submitted by the Applicant:
  - Letter from Jonathan J. Markey to Acton Planning Board, dated 06/01/13.
- 1.4 Interdepartmental communication received from:
  - Collector's Department, dated 06/10/13;
  - Acton Historical Commission, dated 06/12/13;
  - Acton Engineering Department, dated 06/26/13;
  - Acton Planning Department, dated 07/03/13.

Exhibits 1.1 through 1.3 are referred to herein as the Plan.

## **2 FINDINGS and CONCLUSIONS**

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The proposed subdivision is located within the Village Residential (VR) zoning district and Zone 3 of the Groundwater Protection District. The site is also located within the West Acton Historic District.
- 2.2 The Plan shows the existing dwelling and barn at 56 Windsor Avenue to be removed. Both structures are listed on the Town of Acton Cultural Resource List.
- 2.3 The property, including the existing structures, is subject to Town of Acton General Bylaw Chapter P: "Local Historic District."
- 2.4 The Plan shows the division of approximately 1.5 acres into three lots. Presently, the site is composed of one lot.
- 2.5 The three proposed lots are allowed on the Site in accordance with the zoning bylaw (hereinafter the Bylaw).
- 2.6 The proposed lots appear to comply with the area, frontage and setback requirements of the Bylaw.
- 2.7 The Bylaw requires 20% Open Space per lot in the Village Residential District.
- 2.8 The Plan shows a +/-129-foot long subdivision street between the centerline of Windsor Avenue and the point where the loop turnaround intersects with itself at a 90 degree angle. The loop turnaround has a 100-foot centerline diameter. Thus, the Plan complies with Section 8.1.18.1 (e) of the Rules.
- 2.9 The Plan shows three driveways off the loop turnaround street. Section 8.1.18.1 (c) of the Rules states there shall be no more than two driveways or common driveways accessing a loop turnaround.

- 2.10 The Board has received comments from various Town departments, which are listed as Exhibit 1.4 above. The Board has considered these comments in its deliberations and made them available to the Applicant.
- 2.11 The Applicant has not requested any waivers from the Rules and this decision does not grant any waivers.

### **3 BOARD ACTION**

Therefore, subject to and with the benefit of the following conditions and plan modifications, the Board voted to APPROVE the preliminary subdivision.

#### **3.1 CONDITIONS and PLAN MODIFICATIONS**

Unless stated or implied otherwise, the conditions shall be fulfilled and the modifications to the Plan shall be made before filing the application for approval of a definitive plan.

- 3.1.1 The Plan shall be modified to comply with Section 8.1.18.1 (c) of the Rules.
- 3.1.2 The Definitive Plan shall delineate Open Space on each lot and show calculations documenting at least 20% Open Space per lot.
- 3.1.3 Unless directed otherwise by this decision, the definitive plan and application shall comply with all the detailed requirements of the Rules whether specifically listed in this Decision or not, including but not limited to drainage details and calculations, profiles, cross sections, documentation on sight distances, sidewalks, open space reservation, and planting plans.
- 3.1.4 In preparing the definitive plan, the Applicant shall be responsive to review comments received from the Acton Engineering Department and other departments and committees of the Town and shall address them in a manner that resolves any concerns raised therein to the satisfaction of the Board. These comments are listed in Exhibit 1.4 above. Any conflicts between the departmental recommendations and the Rules shall be highlighted.
- 3.1.5 All due property taxes and other municipal charges, if any, must be paid prior to the application for approval of the definitive plan.

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Roland Bartl, AICP, Planning Director  
for the Acton Planning Board

Date

Copies to:

Applicant - certified mail #  
Town Engineer  
Natural Resources Director  
Assistant Assessor  
Historic District Commission

Building Commissioner  
Municipal Properties Director  
Town Manager  
Historical Commission

Board of Health  
Town Clerk  
Fire Chief  
Sidewalk Committee